

**REMARKS**

By this Amendment, independent claim 9 is amended to include patentable limitations and dependent claims 10-12 are amended to more clearly define the invention. Claims 13-16 are withdrawn. Claims 1-8 and 17-21 were previously withdrawn. New dependent claim 22 is presented herewith for examination. Accordingly, claims 1-22 are pending in the application with claims 9-12 and 22 presented for further examination on the merits, and with claims 1-8 and 13-21 withdrawn from consideration. Applicants submit that the claims as amended herein are patentable over the cited references, and thus, the application is now in condition for immediate allowance.

**Elections/Restrictions**

The Examiner has required restriction to the various species of the invention indicated in the previous Office Action mailed October 2, 2008. Accordingly, claims 1-8 and 13-21 have been withdrawn from consideration.

**Drawings**

Pursuant to the Office Action at page 2, the drawings stand objected to for failing to show every feature of the invention specified in the claims. In particular, the Examiner asserts that "the interconnected first and second blocks" recited in claim 11 and "the non-slip surface" recited in claim 12 must be shown or the features canceled from the claims. Claims 11 and 12 have been amended to delete the features not depicted in the drawings. Accordingly, Applicants respectfully request the Examiner to withdraw the objection to the drawings.

### **Claim Objections**

Pursuant to the Office Action at page 3, claim 10 stands objected to for indefiniteness since the first and second blocks are elements of the passenger seat, and therefore, are unable to move relative to the seat. Specifically, "seat" in lines 3 and 5 of claim 10 should be "seat bottom." Claim 10 has been amended to change the objectionable occurrences of "seat" to "seat bottom." Accordingly, Applicants respectfully request the Examiner to withdraw the objection to claim 10.

### **Claim Rejections – 35 U.S.C. §112**

Pursuant to the Office Action at page 3, claim 11 stands rejected under 35 U.S.C. 112, first paragraph, as being based on a disclosure that which is not enabling. Without admitting that the specification is not enabling for the limitations of claim 11 (which subject matter Applicants believe is well within the ordinary skill in the art), the objectionable limitations of claim 11 have been deleted. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 11.

### **Claim Rejections – 35 U.S.C. §102**

Pursuant to the Office Action at pages 4-5, claims 9-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by one or more of U.S. Patent 1,435,744 (Santaniello); U.S. Patent 3,589,717 (Alexander); or U.S. Patent 4,561,668 (Klopfenstein).

The Examiner asserts that "Santaniello discloses a seat that includes all of the limitations recited in claims 9, 10 and 12." Specifically, the Examiner asserts that Santaniello show a seat having a frame 6 *capable* of being attached to a vehicle floor 7, a seat bottom disposed on the frame, a footrest 14 disposed forward of the seat bottom

capable of supporting a user's feet above the floor with each foot in a different longitudinal position relative to the seat bottom, and first and second blocks of the footrest mounted for longitudinal translation relative to the seat bottom. The Examiner further asserts that "Alexander discloses all of the limitations recited in claims 9-11," including a seat having a frame capable of being attached to a vehicle floor 11, 13, a seat bottom 23 disposed on the frame, a footrest 24 disposed forward of the seat bottom capable of supporting a user's feet above the floor with each foot in a different longitudinal position relative to the seat bottom, and first and second blocks mounted for longitudinal translation relative to the seat bottom wherein the first and second blocks are interconnected such that forward longitudinal movement of one block causes rearward longitudinal movement of the other block. The Examiner further asserts that "Klopfenstein discloses a seat that includes all of the limitations recited in claims 9-11," including a seat having a frame 2, 3 capable of being attached to a vehicle floor, a seat bottom 1 disposed on the frame, a footrest 23, 27 disposed forward of the seat bottom capable of supporting a user's feet above the floor with each foot in a different longitudinal position relative to the seat bottom, and first and second blocks 23, 27 of the footrest mounted for longitudinal translation relative to the seat bottom wherein the first and second blocks are interconnected such that forward longitudinal movement of one block causes rearward longitudinal movement of the other block. *Office Action at pages 4-5.*

Applicants respectfully traverse the rejection with regard to at least independent claim 9, as amended herein. Claim 9 now recites *said footrest moveably mounted on spaced apart tracks extending longitudinally along the floor of the vehicle for permitting movement of said footrest relative to said seat bottom* in addition to the original limitations. Support for the added limitations is found at paragraph [0041] of the written description and in Figures 6 and 7 of the drawings. Clearly, none of the references relied on by the Examiner identically disclose a footrest moveably mounted on spaced apart tracks that extend longitudinally along the floor of a vehicle. Santaniello discloses

a footrest for a shoe shining stand having a pair of supports 14 with each support attached at the forward end of a slide rod 9 slidably disposed within a pair of bearings (lugs 8) provided on the opposite sides of a pedestal 6 mounted above the platform 7 of the shoe shining stand. As such, the supports 14 are not moveably mounted on spaced apart tracks extending *along the floor of the vehicle*. Instead, the supports 14 are attached to slide rods 9 that are moveably mounted to pedestal 6 that is *elevated above* platform 7 (i.e. floor) of the shoe shining stand. Both Alexander and Klopfenstein disclose pedals (i.e. footrests) for a bicycle-supporting stand and a bicycle, respectively, capable of supporting a user's feet above the floor with each foot in a different longitudinal position relative to the seat bottom, with first and second blocks of the footrest mounted for longitudinal translation relative to the seat bottom. Regardless, the pedals are not moveably mounted on spaced apart tracks that extend longitudinally along the stand 11, 13 (i.e. floor) of the bicycle-supporting stand (Alexander) or the ground (Klopfenstein).

Thus, independent claim 9, as amended herein, is patentable for at least the above reasons. Claims 10-12 and 22 depend directly or indirectly from patentable base claim 9, and thus, are likewise allowable for at least the same reasons. Furthermore, none of the references relied on by the Examiner identically disclose first and second blocks mounted on spaced apart tracks for generally linear translation relative to the seat bottom (claim 10); first and second blocks carried by spaced apart tracks that are pivotally attached to the floor of the vehicle (claim 11); pivotally attached, spaced apart tracks that are moveable between a horizontal use position and an upright storage position (claim 12); or first and second blocks having a tapered foot-supporting surface formed of a resilient material (claim 22). Thus, each of the dependent claims 10-12 and 22 are separately patentable for at least these additional reasons. Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of claims 9-12 under 35 U.S.C. 102(b).

## CONCLUSION

As a result of the amendments made herein, the pending claims are patentable and the application is now in condition for immediate allowance. The Examiner is encouraged to contact the undersigned directly to resolve any remaining issues in order to expedite allowance of the application. This response results in one (1) more total claim than paid for previously. As a result, a fee for excess total claims in the amount of \$52 is due, which the Examiner is hereby authorized to charge to Deposit Account No. 01-0265. If there are any fees due in connection with the filing of this response not already accounted for, the Examiner is authorized to charge any such fee to Deposit Account No. 01-0265. If a petition for an extension of time and fee is required, such petition is hereby made and the Examiner is likewise authorized to charge the fee to Deposit Account No. 01-0265. Any overpayment or refund should be credited to Deposit Account No. 01-0265.

Respectfully submitted,

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